

Amendment No. 1 to HB0401

DeBerry J
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1158

House Bill No. 401*

by deleting all language after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 36-5-101(e), is amended by inserting the following as a new, appropriately designated subdivision thereto:

(5) If a parent has actual physical custody more than fifty percent (50%) of the time of a child for whom current support, arrearages of child support or retroactive child support is being determined, and that child is six (years) of age or younger or is not yet enrolled in the first grade, then a calculation of income pursuant to the child support guidelines shall not include a determination that such parent is a willfully or voluntarily unemployed or underemployed parent in any of the following circumstances:

(A) The parent has been partially or completely unemployed in order to care for the child for a period of no less than three (3) months prior to the filing of the divorce petition, or since the birth of the child if the child is less than three (3) months old;

(B) The mother of the child was pregnant with the child at the time of the filing of the divorce petition and the parent desiring to remain partially or completely unemployed in order to care for the child has been either partially or completely unemployed in order to care for previous children born of the marriage that is the subject of the divorce petition; or

(C) The mother of the child was pregnant with the first child born of the marriage that is the subject of the divorce petition at the time of the filing of the divorce petition and the parent desiring to remain partially or completely unemployed in order to care for the child can prove by

evidence satisfactory to the court that it was the intention of the parties at or before the time of conception that the parent would remain either partially or completely unemployed in order to care for children born of the marriage.

In determining the income of that parent, only the actual income the parent had during the time period that is being considered by the court shall be the amount of income considered by the court for determination of that parent's duty of support for that child.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.